

Remarks

Reconsideration of the present application is respectfully requested.

Of previously pending claims 1-6, 8-11, 19-27, and 37-47, all have been rejected. Specifically, claims 1-3, 5, 8-11, 19, 21-24, 26-27, 37-38 and 44-47 were rejected under 35 U.S.C §102(e) for anticipation by the previously cited Jain patent application (U.S. Patent Application No. 2002/0112072). Remaining claims 4, 6, 20, 25, and 39-43 were rejected under 35 U.S.C. §103(a) for obviousness over the Jain patent application, as applied to claims 1, 5, 12, 19 and 24 and further in view of the applicants' admitted prior art (AAPA).

To better claim their invention, the applicants have amended independent claims 1, 19, 24, 39 and 44 to recite similar limitations. For example, claim 1 recites, "a route generator, the route generator being arranged to generate a primary circuit path between the first node and the second node, the primary circuit path including a first element selected from the plurality of elements, wherein the route generator is configured to generate a nodal diverse alternate circuit path when a nodal diverse constraint is input, and further configured to generate a link diverse alternate circuit path when a link diverse constraint is input, the input further being arranged to specify circuit characteristics for the primary circuit path and for the alternate circuit path...".

The applicants do not find that the claim limitation, "route generator is configured to generate a nodal diverse alternate circuit path when a nodal diverse constraint is input, and further configured to generate a link diverse alternate circuit path when a link diverse constraint is input," in the cited Jain patent. Independent claims 1, 19, 24, 39 and 44 should be patentable over the cited reference.

Dependent claims 2 and 3 have also been canceled, and dependent claims 8 and 9 have been amended.

Hence the cited Jain reference does not anticipate nor render obvious pending independent claims 1, 19, 24, 39 and 44. Therefore, the applicants respectfully request that the rejections be withdrawn, that all pending claims 1, 4-6, 8-11, 19-27, and 37-47 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite prosecution of

the application, the Examiner is asked to call the undersigned at (408) 868-4088 without hesitation.

Respectfully submitted,

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